

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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ANDREA LEAVELLS,

Plaintiff,

v.

Case No. 15-cv-10435

KONDUAR CAPITAL CORPORATION,

Defendant.

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**ORDER GRANTING IN PART DEFENDANT'S MOTION TO DENY AS PREMATURE  
OR SUSPEND THE BRIEFING SCHEDULE, AND STAYING THE BRIEFING  
SCHEDULE OF PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

Plaintiff filed this putative class action on February 3, 2015. On February 12, 2015, Plaintiff filed a Motion for Class Certification. (Dkt. # 4.) Plaintiff filed that motion at this early stage to prevent Defendant from mooting Plaintiff's claim by making a Rule 68 offer of judgment prior to Plaintiff seeking class certification. On March 3, 2015, Defendant filed Motion to Deny as Premature or Suspend the Briefing Schedule on the Motion for Class Certification (Dkt. # 8). Defendant sought concurrence, as required by E.D. Mich. LR 7.1(a), and reports that "Plaintiff's counsel has not stated whether he consents or objects." Plaintiff has not filed any objection to the relief sought and the court agrees that Class Certification motion is premature. Accordingly, the court will grant the Motion to Deny as Premature or Suspend the Briefing Schedule in part.<sup>1</sup>

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<sup>1</sup>The parties are encouraged to enter into an appropriate stipulation terminating the Motion for Class Certification without prejudice while protecting Plaintiff from having her claim "picked off" by a Rule 68 Offer of Judgment.

IT IS ORDERED Defendants Motion to Stay the Motion to Certify (Dkt. #8) is GRANTED IN PART. It is GRANTED in that briefing on the Motion for Class Certification is STAYED until further order of the court. It is DENIED in all other respects.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: March 11, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 11, 2015, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522